

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SIXTH DAY — THURSDAY, FEBRUARY 27, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 28).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Hodge; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Crabb; Hilderbran; Hinojosa; Holzheuser; Place; Rodriguez; Sadler.

Absent — Delisi; Driver.

The invocation was offered by Reverend Charles Millikan, pastor, Moody Methodist Church, Galveston, as follows:

Almighty and everlasting Lord, on this very day 161 years ago, another group of persons gathered to cast their vote for a greater Texas. Armed with nothing more than their personal desires and dreams for what they knew was right and just, they laid down their lives against enormous odds.

From the shores of Galveston Island to the banks of the Rio Grande, the Sabine, and the Red River, we now live in a new land made possible by such persons as Travis, Bowie, Crockett, Dickinson, and Fuqua. How well we know we drink from wells we have not dug and stand on foundations we have not laid.

On this very special day may we recall our past and at the same time cast our vote for a greater Texas. May each piece of legislation not be seen as just another item of business, but as a person's dream for a brighter day, a hope for what can be. May this be the day we can make a difference! For we pray this prayer in your holy name. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Holzheuser on motion of Kuempel.

Hinojosa on motion of Hawley.

The following members were granted leaves of absence for today because of important business in the district:

Hilderbran on motion of Hightower.

Rodriguez on motion of Hightower.

Crabb on motion of Zbranek.

The following member was granted leave of absence for today because of personal business:

Place on motion of Hightower.

(Delisi and Driver now present)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 12).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Glaze requested permission for the Committee on Appropriations, Subcommittee on Health and Human Services to meet while the house is in session.

Permission to meet was granted without objection.

CAPITOL PHYSICIAN

The speaker recognized Representative Greenberg who presented Dr. David Pampe as the "Doctor for the Day" and Ellen Travis of Austin.

The house welcomed Dr. Pampe and Ms. Travis and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Wilson in the chair)

(Speaker in the chair)

**HCR 47 - ADOPTED
(by Tillery)**

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HCR 47**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 47, Honoring the Urban Management Assistants of North Texas.

HCR 47 was read and was adopted without objection.

HR 247 - ADOPTED
(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 247**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 247, Honoring Representative Tommy Merritt on the occasion of his birthday.

HR 247 was read and was adopted without objection.

On motion of Representative Bonnen, the names of all the members of the house were added to **HR 247** as signers thereof.

SCR 18 - ADOPTED
(Solis - House Sponsor)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **SCR 18**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 18, Recognizing the 60th anniversary of the City of Brownsville's celebration of Charro Days.

SCR 18 was adopted without objection.

HR 243 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 243**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 243, Honoring Willie Lee Glass for her contributions to Texas College and the Tyler community.

HR 243 was adopted without objection.

On motion of Representative Kamel, the names of all the members of the house were added to **HR 243** as signers thereof.

HR 245 - ADOPTED
(by Garcia)

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 245**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 245, Commending the Anita N. Martinez Ballet Folklorico.

HR 245 was adopted without objection.

HR 244 - ADOPTED
(by Heflin)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 244**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 244, Honoring Howard J. Hicks.

HR 244 was adopted without objection.

On motion of Representative Jackson, the names of all the members of the house were added to **HR 244** as signers thereof.

HR 240 - ADOPTED
(by Kubiak)

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 240**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 240, Congratulating C. H. and Donna Satcher on the occasion of their 25th wedding anniversary.

HR 240 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 240** as signers thereof.

HR 241 - ADOPTED
(by Puente)

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 241**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 241, Commemorating the 50th anniversary of Sunshine Cottage School for Deaf Children and commending Dela White.

HR 241 was read and was adopted without objection.

On motion of Representative King, the names of all the members of the house were added to **HR 241** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative King, who introduced Dela White and students from the Sunshine Cottage School for Deaf Children.

HR 238 - ADOPTED (by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 238**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 238, Honoring Eugene E. Coleman, Sr.

HR 238 was adopted without objection.

HR 239 - ADOPTED (by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 239, In memory of James Napoleon Dorsey.

HR 239 was unanimously adopted by a rising vote.

HR 143 - ADOPTED (by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 143, In memory of Maximo Quintanilla, Sr.

HR 143 was unanimously adopted by a rising vote.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HR 248 - ADOPTED (by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 248**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 248, Commending the Longview High School Lady Lobos basketball team.

HR 248 was adopted without objection.

On motion of Representative Berlanga, the names of all the members of the house were added to **HR 248** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

House Administration, Subcommittee on House Policy Manual, on adjournment today, E2.020, Capitol Extension, to consider the subcommittee report.

Calendars, on adjournment today, speakers committee room, to consider the calendar.

ADJOURNMENT

Representative Finnell moved that the house adjourn until 10 a.m. Monday, March 3, in memory of former Texas governor John Connally who was born on this day in 1917.

The motion prevailed without objection.

The house accordingly, at 10:54 a.m., adjourned until 10 a.m. Monday, March 3.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 1685 (by Burnam), Relating to certain disclosures to the public by health maintenance organizations.

To Insurance.

HB 1686 (by Price), Relating to the repayment of certain teacher education loans.

To Higher Education.

HB 1687 (by Krusee), Relating to counties and local government corporations authorized to undertake certain causeway, bridge, tunnel, turnpike, or highway projects.

To Transportation.

HB 1688 (by Kuempel), Relating to the jurisdiction and administration of the Guadalupe County Court at Law.
To Judicial Affairs.

HB 1689 (by Talton), Relating to the invocation of the rule in a criminal trial.
To Criminal Jurisprudence.

HB 1690 (by Talton), Relating to the prosecution of the offense of harassment.
To Criminal Jurisprudence.

HB 1691 (by Eiland), Relating to enforcement of the Texas Fair Housing Practices Act.
To State Affairs.

HB 1692 (by Eiland), Relating to the operation of publicly owned and operated harbor and port facilities located in certain municipalities.
To Transportation.

HB 1693 (by Hinojosa), Relating to authorizing the state jail division of the Texas Department of Criminal Justice to house county jail inmates in a state jail felony facility.
To Corrections.

HB 1694 (by Hinojosa), Relating to the limitation of liability for a water supply corporation.
To Civil Practices.

HB 1695 (by Gray), Relating to the continuation and operation of the Department of Protective and Regulatory Services, the provision of services to children and families, and suits affecting the parent-child relationship; providing penalties.

To Human Services.

HB 1696 (by Culberson), Relating to restricting the performance of certain civil duties or privileges to citizens of the United States.
To State Affairs.

HB 1697 (by McCall), Relating to disciplinary proceedings against a physician who performs certain in vitro fertility procedures without the consent of the patient.

To Public Health.

HB 1698 (by Rangel), Relating to the basic skills assessment of students of institutions of higher education and to programs for students in need of enrichment in basic skills.

To Higher Education.

HB 1699 (by Rangel), Relating to the calculation of the grade point average of a student who repeats a course at an institution of higher education.
To Higher Education.

HB 1700 (by Rangel, et al.), Relating to group health coverage for school district employees.

To Pensions & Investments.

HB 1701 (by Rangel), Relating to service credit in the Teacher Retirement System of Texas for accumulated personal or sick leave.

To Pensions & Investments.

HB 1702 (by Rangel), Relating to prosecution of an offense based on a child's failure to attend school.

To Juvenile Justice & Family Issues.

HB 1703 (by Torres), Relating to altering the form of a business entity that is the holder of an alcoholic beverage permit or license.

To Licensing & Administrative Procedures.

HB 1704 (by Keffer and Finnell), Relating to the terms of court of the 90th Judicial District.

To Judicial Affairs.

HB 1705 (by Keffer), Relating to eligibility for high school equivalency examinations.

To Public Education.

HB 1706 (by Keffer), Relating to the terms of court of the 42nd District Court.

To Judicial Affairs.

HB 1707 (by Keel and R. Lewis), Relating to water quality protection zones.

To Natural Resources.

HB 1708 (by G. Lewis), Relating to assignment of certain premium tax credits.

To Insurance.

HB 1709 (by G. Lewis), Relating to the deadline for payment of certain insurance claims.

To Insurance.

HB 1710 (by G. Lewis), Relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.

To Judicial Affairs.

HB 1711 (by R. Lewis), Relating to the regulation of the practice of plumbing.

To Licensing & Administrative Procedures.

HB 1712 (by Howard), Relating to rules of the State Board for Educator Certification.

To Public Education.

HB 1713 (by Davila), Relating to discrimination against victims of family violence in the issuance of insurance.

To Insurance.

HB 1714 (by Serna, West, and Swinford), Relating to the offense of criminal mischief involving graffiti and the regulation of customer access to aerosol paint.

To Juvenile Justice & Family Issues.

HB 1715 (by Davila), Relating to the regulation of the practice of cosmetology; providing an administrative penalty.

To Public Health.

HB 1716 (by Maxey, et al.), Relating to the membership and duties of the statewide health coordinating council.

To Public Health.

HB 1717 (by Maxey), Relating to information on health and human services information provided through the Internet.

To Human Services.

HB 1718 (by Serna), Relating to the authorization of the sale of undeveloped land by certain persons and the purchase of facilitation of the purchase of same by certain non-profit corporations without subdividing, platting or making provision for water or other utility services.

To Land & Resource Management.

HB 1719 (by Coleman), Relating to the regulation of psychologists and the powers and duties of the Texas State Board of Examiners of Psychologists.

To Public Health.

HB 1720 (by Siebert), Relating to a disqualification of eligibility for unemployment compensation benefits for periods of partial unemployment caused by a disciplinary reduction in hours.

To Economic Development.

HB 1721 (by Siebert), Relating to a disqualification of eligibility for unemployment compensation benefits for periods of unpaid disciplinary suspensions.

To Economic Development.

HB 1722 (by Moreno), Relating to court administration in El Paso County, to the creation of the County Courts at Law No. 6 and No. 7 of El Paso County, Texas, and to the assignment of certain judges in El Paso County.

To Judicial Affairs.

HB 1723 (by Telford), Relating to appraisal for property tax purposes of open-space land that is converted to production of timber.

To Ways & Means.

HB 1724 (by Delisi), Relating to the administration and enforcement of the peer assistance program under the Texas Pharmacy Act.

To Public Health.

HB 1725 (by Hirschi), Relating to the imposition of a tax on the purchase of coal in this state by a public utility; providing penalties.

To Ways & Means.

HB 1726 (by Hirschi), Relating to an integrated pest management program at an institution of higher education.

To Environmental Regulation.

HB 1727 (by Crabb), Relating to annexations by a municipality.

To Land & Resource Management.

HB 1728 (by Wise), Relating to the eligibility of certain defendants charged with or convicted of sexual offenses against children for release on community supervision.

To Criminal Jurisprudence.

HB 1729 (by Wise), Relating to furnishing printed copies of state publications released only in an electronic format to the Texas State Library.
To State Affairs.

HB 1730 (by B. Turner), Relating to the responsibility for the plugging of an oil or gas well.
To Energy Resources.

HB 1731 (by B. Turner), Relating to the definition of engaging in sexual contact for the purposes of prosecuting certain sexual offenses.
To Criminal Jurisprudence.

HB 1732 (by Dukes), Relating to the definition of a physical therapist.
To Public Health.

HB 1733 (by Kamel and Glaze), Relating to courses and programs at public junior colleges that do not receive state funding.
To Higher Education.

HB 1734 (by Delisi), Relating to the monitoring of community mental health and mental retardation centers.
To Public Health.

HB 1735 (by Luna), Relating to school district investigations of allegations concerning physical abuse of or sexual misconduct toward a student by a district employee.
To Public Education.

HB 1736 (by McClendon), Relating to the release of information regarding a registered sex offender to certain school personnel.
To Public Safety.

HB 1737 (by Oliveira), Relating to notice and public hearing requirements for proposed subdivisions in certain counties.
To Land & Resource Management.

HB 1738 (by McClendon), Relating to certain reports under the federal Emergency Planning and Community Right-to-Know Act.
To Environmental Regulation.

HB 1739 (by Hinojosa), Relating to the transfer of certain state property from the Texas National Guard Armory Board to certain municipalities.
To Land & Resource Management.

HB 1740 (by Hinojosa), Relating to the salaries of the members of the commissioners court of certain counties.
To County Affairs.

HB 1741 (by R. Lewis), Relating to the reconciliation of county checks and warrants.
To County Affairs.

HB 1742 (by Bosse and Williams), Relating to residential construction liability.
To Business & Industry.

HB 1743 (by Torres), Relating to the removal of certain restrictions on the sale of certain natural gas for use outside of the state.
To Energy Resources.

HB 1744 (by Torres), Relating to survivor's benefits from certain municipal retirement systems for police officers.

To Pensions & Investments.

HB 1745 (by Dutton), Relating to an intervenor's liability for attorney's fees and costs in certain civil actions.

To Civil Practices.

HB 1746 (by Dutton), Relating to the recovery of damages for deprivation of a right secured by the state constitution.

To Civil Practices.

HB 1747 (by Place), Relating to procedures to deal with an individual who is in the criminal justice system and who has a mental illness or is a person with mental retardation.

To Criminal Jurisprudence.

HB 1748 (by Place), Relating to requiring that the board of directors of certain nonprofit corporations be elected at a statewide election.

To Elections.

HB 1749 (by Kuempel), Relating to the right of certain lessees of real property to protest before an appraisal review board a determination of the appraised value of the property for ad valorem tax purposes.

To Ways & Means.

HB 1750 (by West), Relating to the imposition of the sales and use tax on certain sales of leased vehicles.

To Ways & Means.

HB 1751 (by West), Relating to certain individuals who may bring a suit to contest the paternity of a child.

To Juvenile Justice & Family Issues.

HB 1752 (by Greenberg, Naishtat, Maxey, Dukes, and Keel), Relating to eligibility and benefits under public retirement systems for employees of certain municipalities.

To Pensions & Investments.

HB 1753 (by Greenberg), Relating to exempting certain purchases of machinery and equipment used for research and development from sales and use taxes.

To Ways & Means.

HB 1754 (by Greenberg), Relating to a franchise tax exemption for certain research and development activities.

To Ways & Means.

HB 1755 (by Burnam), Relating to a mortgage guaranty insurance policy.

To Insurance.

HB 1756 (by Telford), Relating to the liability of Texas Youth Commission volunteers.

To Civil Practices.

HB 1757 (by Hernandez), Relating to the use of certain awards under the Texas Advanced Placement Incentive Program.

To Public Education.

HCR 104 (by Hightower), In memory of Dr. Eugene Morse Addison.
To Rules & Resolutions.

HCR 105 (by Place), Designating March 5, 1997, as Comanche County Day at the Capitol.
To Rules & Resolutions.

HJR 9 (by Place), Proposing a constitutional amendment to authorize Comanche County to have more than one precinct for justices of the peace and a single precinct for constable.
To County Affairs.

HJR 81 (by Howard), Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in certain elective executive offices.
To State Affairs.

HJR 82 (by Howard), Proposing a constitutional amendment protecting private schools from state and local regulation.
To Public Education.

HR 242 (by Siebert), In memory of Jesse A. Oppenheimer.
To Rules and Resolutions.

SB 85 to Public Health.

SB 91 to Ways & Means.

SB 92 to Natural Resources.

SB 93 to Ways & Means.

SB 141 to County Affairs.

SB 149 to Higher Education.

SB 161 to Transportation.

SB 166 to Criminal Jurisprudence.

SB 185 to Criminal Jurisprudence.

SB 188 to Corrections.

SB 199 to County Affairs.

SB 222 to Pensions & Investments.

SB 224 to Criminal Jurisprudence.

SB 238 to Licensing & Administrative Procedures.

SB 243 to Juvenile Justice & Family Issues.

SB 290 to Human Services.

SB 292 to Elections.

SB 311 to Juvenile Justice & Family Issues.

SB 316 to Human Services.

SB 319 to Juvenile Justice & Family Issues.

SB 320 to Business & Industry.

SB 325 to Pensions & Investments.

SB 330 to State Affairs.

SB 331 to State Affairs.

SB 333 to Insurance.

SB 344 to Ways & Means.

SB 348 to Juvenile Justice & Family Issues.

SB 388 to Public Health.

SB 401 to Judicial Affairs.

SB 402 to Judicial Affairs.

SB 415 to Judicial Affairs.

SB 434 to Public Health.

SB 447 to Public Health.

SB 451 to Urban Affairs.

SB 541 to Licensing & Administrative Procedures.

SCR 10 to Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 12

HCR 92

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, February 27, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 43 Telford SPONSOR: Ratliff
Recognizing February 26, 1997, as Atlanta Day at the Capitol.

HCR 95 Clark SPONSOR: Haywood
Congratulating Jeanne Groff.

SB 236 Lindsay
Relating to the right of voters in a municipality to participate in municipal elections.

SB 237 Nixon, Drew
Relating to competitive bids for state lottery contracts.

SB 444 Zaffirini
Relating to administration of vital statistics records.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 26

Financial Institutions - **HB 882, HJR 59**

Insurance - **HB 578**

Land and Resource Management - **HB 47, HB 1036**

Pensions and Investments - **HB 735, HB 803, HCR 29**

ENROLLED

February 26 - **HCR 52**

SENT TO THE GOVERNOR

February 26 - **HCR 52**

SIGNED BY THE GOVERNOR

February 26 - **HCR 57, HCR 65, HCR 68, HCR 69, HCR 81, HCR 88,
HCR 91**